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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,893	03/06/2002	Kiyotomi Ogawa	15345	9180

7590 01/12/2005  
Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, NY 11530

EXAMINER

PHILIPPE, GIMS S

ART UNIT PAPER NUMBER

2613

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/091,893

Applicant(s)

OGAWA, KIYOTOMI

Examiner

Gims S Philippe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01072005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

This is a first action in response to application no. 10/091,893 filed on March 6<sup>th</sup> 2002 in which claims 1-6 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Konomura (US Patent no. 5469254).

Regarding claim 1, Konomura discloses an endoscope system having an imaging unit that images an object of observation while viewing it from a plurality of viewing points, performing image processing and arithmetic operations on image signals that represent images that the imaging unit picks up while viewing the object of observation from the viewing points, and thus achieving stereo measurement (See abstract and col. 1, lines 49-54), said endoscope system comprising a corrected image producing means for adopting one of the images, which are picked up by viewing the object of observation from the plurality of viewing points, as a reference image, regarding the other image as a comparison image, correcting optical distortions in the reference image and

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comparison image, and thus producing a corrected reference image and a corrected comparison image (See col. 1, lines 18-21, col. 12, lines 45-62); an image displaying means for displaying on a screen at least the reference image or corrected reference image out of the reference image, comparison image, corrected reference image, and corrected comparison image (See fig. 1, display 5, and col. 12, lines 45-62); a cutting-plane reference line designating means for use in drawing a cutting-plane reference line, which specifies a cutting-plane position that determines a section of the object of observation whose section information should be acquired, in the image displayed on the screen (See col. 2, lines 6-20, col. 6, lines 47-53), a corresponding point searching means for regarding a point, which lies on the cutting-plane reference line in the corrected reference image, as a point of attention, and searching the corrected reference image for a corresponding point that is associated with the point of attention (See col. 9, lines 3-27), a section information arithmetic means for detecting three coordinates, which represent a point in three-dimensional space whose mapping results in a corresponding point on the cutting-plane reference line according to the principles of trigonometrical measurement, using the position of the point of attention in the corrected reference image and the position of the corresponding point in the corrected comparison image searched for by said corresponding point searching means, and for thus acquiring section information concerning observation determined with the a section of the object of cutting-plane position (See col. 11, lines 29-35, col. 12, lines 33-62); and a section information outputting means for providing section information according to

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values calculated by said section information arithmetic means (See col. 12, lines 63-67, col. 13, lines 1-20).

As per claims 2-3, Konomura further discloses the same encoding system wherein the images to be displayed include at least the reference image, and the cutting plane reference line is drawn in the reference image (See col. 1, lines 18-21, lines 32-36).

As per claims 4-5, Konomura further discloses a pointer that is displayed while being superposed in the reference image (See mouse 74 of fig. 12, and col. 8, lines 13-20).

As per claim 6, Konomura further discloses a contour line outlining a section (See cross-section, col. 1, lines 22-31, col. 2, lines 6-20, and col. 9, lines 21-31).

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Salvati et al. (US Patent no. 5070401) teaches video measurement system with automatic calibration and distortion correction.

Florent et al. (US Patent no. 5675380) teaches device for forming an image and method of correcting geometrical optical distortions in an image.

Okano et al. (US Patent no. 6301416) teaches optical three-dimensional imaging device which uses an integral photography technique.

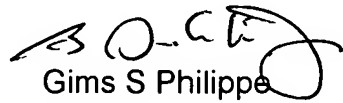
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Yamaguchi et al. (US Patent no. 5818527) teaches image processor for correcting distortion of central portion of image preventing marginal portion of the image from protruding.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S Philippe whose telephone number is (703) 305-1107. The examiner can normally be reached on M-F (9:30-7:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on (703) 305-4780. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private.PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gims S Philippe  
Primary Examiner  
Art Unit 2613

GSP

January 7, 2005